IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW APPLICATION ST.NO.16604 OF 2007

Mr.Bipin Uttamchand Chopada ...Applicant

vs.

Mangala Madhav Kharadkar & Anr. ...Respondents

Mr.M.J.Jamdar i/b Mr.Amogh Paralikar for the Applicant.
Mr.A.K.Abhyankar with Mr.S.G.Karandikar for the Respondents.

CORAM: A.S.OKA,J.
DATE : AUGUST 24, 2007.

P.C.:

1. Heard the learned counsel for the applicant and the learned senior Counsel for the Respondents. The review sought is of the order dated 21st June 2007 passed by this court by which the application for condonation of delay in preferring the Appeal from Order was allowed. The learned counsel for the applicant pointed out that on the day on which the application for condonation of delay along with companion applications appeared before this court, the Advocate for the Applicant was unable to remain present and therefore, he contacted the Advocate on record for the Respondents. It is stated that it was agreed between the Advocates that a request will be made by consent for grant of an adjournment till 29th June 2007 when an application for condonation of delay in a companion Appeal was scheduled to come up. The learned Advocate on record for the Respondents fairly stated that there was such discussion between himself and the Advocate for

the Applicants. However, he himself was unable to remain present when the applications were called out and therefore, he could not bring the aforesaid understanding to the notice of this court.

2. Considering the aforesaid ground made out in the Review Application, I am of the view that the order passed on 21st June 2007 needs to be recalled. The said learned Senior Counsel for the Respondents states that he has no objection if the Application for condonation of delay is immediately heard by this Court. The learned Counsel for the Applicant states that he has no objection if the Application for condonation of delay is immediately taken up for hearing by this Court.

3. In view of the aforesaid submissions made before me, the Review Petition is disposed of by passing the following order:

. The order dated 21st June 2007 passed on application for condonation of delay is recalled and the said Application is restored to the file.

JUDGE